

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.

2001 PENNSYLVANIA AVENUE, N.W.

SUITE 400

WASHINGTON, D. C. 20006-1851

TELEPHONE (202) 659-3494

GLENN S. RICHARDS

(202) 775-5678

June 11, 1996

FACSIMILE

(202) 296-6518

**HAND DELIVERY**

Geraldine A. Matise  
Chief, Network Services Division  
Federal Communications Commission  
2000 M Street, N.W.  
Room 235  
Washington, D.C. 20554

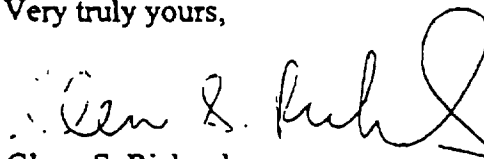
Dear Ms. Matise:

On June 6, 1996, the undersigned sent you a letter on behalf of American Telegram Corporation ("ATC") concerning two 888 numbers for which ATC had requested replication but had been assigned by the NASC. It has come to our attention that because of a potential conflict, our firm must withdraw as counsel for ATC in this matter, though ATC's request for relief remains. Accordingly, please direct any correspondence or questions concerning this matter directly to:

Roger J. Meyers, CEO  
American Telegram Corporation  
2926 Lake East Drive  
The Lakes, NV 89117  
702/242-8000 (PHONE)  
702/242-8011 (FAX)

Thank you for your assistance.

Very truly yours,

  
Glenn S. Richards

cc: Mary DeLuca, FCC (by hand)  
Donald Elardo, MCI (by facsimile)  
Michael Fingerhutt, Sprint (by facsimile)



Federal Communications Commission  
Washington, D.C. 20554

Mr. Roger J. Meyers  
American Telegram Corporation  
2926 Lake East Drive  
The Lakes, NV 89117

October 22, 1996

Dear Mr. Meyers:

The Commission has received your letters regarding your 800 numbers and the possibility of placing those numbers in "unavailable" status pending the Commission's determination of whether 800 subscribers wishing to replicate their numbers in 888 will be afforded any special protection or right with regard to those numbers.

On January 25, 1996, the Commission's Common Carrier Bureau directed Database Service Management, Inc. (DSMI) to place in "unavailable" status those 888 numbers identified by 800 subscribers as numbers that those subscribers may want to replicate in 888. The purpose of the Bureau's Order was "to assure interim protection for all equivalent 888 numbers designated by current 800 subscribers by setting those 888 numbers aside during the initial 888 reservation period." The Bureau did not decide whether these numbers ultimately should be afforded any permanent special protection or right. Rather, the Bureau merely deferred any decision about the permanent protection pending a resolution of that issue by the full Commission in the ongoing toll free proceeding, CC Docket No. 95-155.

Subsequently, disputes arose regarding whether 888 numbers should have been made "unavailable" as a result of the Bureau's Order. Some 800 subscribers indicated that DSMI or their Responsible Organization (RespOrg) omitted from the list of "protected" numbers certain numbers identified by the 800 subscribers as numbers that the subscribers wish to protect in the 888 code. On February 29, 1996, the Common Carrier Bureau directed DSMI to reclassify as "unavailable" a number not set aside in this category and subsequently identified by an 800 subscriber or its RespOrg as a number that was erroneously omitted from the pool of "unavailable" numbers as long as that number was not in "working" status. The Bureau stated that the request had to be in writing from either the 800 subscriber of the 888 number at issue, or such subscriber's RespOrg, and had to be received by DSMI by 11:59 p.m. March 15, 1996.

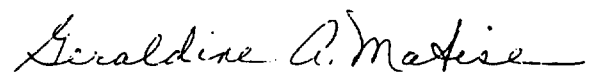
On March 1, 1996, DSMI contacted the Bureau and stated that it was in compliance with the February 29 directive. DSMI stated that it had treated all 888 numbers as in non-working status prior to 3:00 a.m., ET, March 1, 1996, because no 888 traffic, other than test traffic, was actually being processed in the telephone network until that date and time. DSMI

stated that the numbers listed in a letter from your company, American Telegram Corporation, to Mr. William Caton, Acting Secretary to the Commission, had been classified as unavailable in the SMS database. On March 15, 1996, the Bureau directed DSMI not to accept any new requests for protection of equivalent 888 numbers beginning as 12:00 a.m. EST March 16, 1996, stating that 800 subscribers had had a reasonable opportunity to protect equivalent 888 numbers until the Commission decides the disposition of all numbers classified as "unavailable."

It subsequently came to the Bureau's attention that certain 888 number data records were listed in the SMS database as "working" before 3:00 a.m., ET on March 1, 1996, even though the telephone network could not support 888 numbers until after that time. Thus, these 888 numbers were not protected. On March 29, 1996, the Bureau's Network Services Division clarified the February 29, 1996 letter to recognize that any 888 number that was listed in the database in "working" status was covered by the February 29, 1996, directive, including those that were so identified before 3:00 a.m., ET on March 1, 1996. The Network Services Division instructed DSMI to reinstate to the original RespOrg any 888 number that was listed as "working" prior to 3:00 a.m., ET on March 1, 1996. On April 5, 1996, DSMI informed the Network Services Division that it had complied with the March 29, 1996 directive by authorizing the reversal of the processing of 24 numbers associated with 6 RespOrgs. The numbers involved were in working status in the SMS database on February 29, 1996, although they were not actually working in the network.

The two numbers with which you are concerned, 888-222-5347 and 888-774-6748, were in the small group of numbers that were listed as "working" before March 1, 1996 and were returned to the original RespOrg. DSMI properly returned the numbers to the original RespOrg, in accordance with directives from the Common Carrier Bureau and the Network Services Division. The actions that the Bureau and the Network Services Division have taken have been attempts to provide interim protection for 800 subscribers wishing to replicate their numbers in 888 (pending the Commission's determination of whether these numbers ultimately should be afforded any permanent special protection or right), while at the same time ensuring that deployment of the 888 code was not hindered or delayed in any way. It is evident that you have experienced frustration in attempting to place the numbers in unavailable status, and we are not unsympathetic to that fact. It is unfortunate that the numbers you sought to have put in the "unavailable" status were among the few listed as "working" in the SMS database before 3:00 a.m. on March 1, 1996. However, because DSMI acted properly in returning the numbers to the original RespOrg, we are unable to take any action to secure the numbers for you.

Sincerely,



Geraldine A. Matise  
Chief, Network Services Division  
Common Carrier Bureau



# AMERICAN TELEGRAM

2926 LAKE EAST DRIVE THE LAKES, NV 89117

**'The Telegram Company'**

November 21, 1996

Stamp & Return  
EXHIBIT J  
**RECEIVED NOV 21 1996**

**By Hand**

Regina M. Keeney, Esq.  
Chief, Common Carrier Bureau  
Federal Communications Commission  
Washington, D.C. 20554

**Re: October 22, 1996 Letter from Geraldine A. Matise,  
Chief, Network Services Division Common Carrier Bureau  
to Mr. Roger J. Meyers, President, American Telegram  
Corporation**

Dear Ms. Keeney:

American Telegram Corporation ("ATC") respectfully asks that the Bureau reconsider and reverse its decision set forth in the above-referenced letter denying ATC's request that MCI Telecommunications Corporation ("MCI") be required to return two toll-free numbers in the 888 Service Access Code ("SAC") (222-5347 and 774-6748) to unavailable status. ATC believes that the Bureau's decision is without any factual support and cannot be sustained.

The Bureau's October 22 letter was issued in response to a letter dated June 6, 1996 from ATC to Ms. Geraldine A. Matise. There, ATC stated that it been using the equivalent numbers in the 800 SAC for more than two years and that the numbers in the 888 SAC had been replicated and placed in unavailable status on February 29, 1996 at the request of ATC's Resporg, Sprint, pursuant to the Commission's *Report and Order in Toll Free Service Access Codes*, 11 FCC Rcd 2496 (released January 25, 1996) and procedures adopted in your February 29, 1996 letter to Michael Wade, President, Database Service Management Inc. ("DSMI"). ATC then explained that, despite their unavailable status, the numbers had been released to MCI by DSMI. Apparently, DSMI took such action because the numbers were listed as being in "working" status when Sprint's request was received and in a March 29, 1996 letter from Geraldine Matise to Michael Wade, the Bureau stated that such numbers were not to be protected and instructed the DSMI to reinstate "working" numbers to the original Resporg.



# AMERICAN TELEGRAM

2926 LAKE EAST DRIVE THE LAKES, NV 89117

***'The Telegram Company'***

**Ms. Regina M. Keeney**

**November 21, 1996**

**Page 2**

In the October 22 letter, the Bureau confirmed that the two numbers were returned to MCI because they "were in the small group of numbers that were listed as "working" before March 1, 1996." However, the Bureau fails to explain how it determined that such numbers were in "working" status before March 1. It states only that "it subsequently came to the Bureau's attention that certain 888 number data records were listed in the SMS (Service Management System) as "working" before 3:00 a.m. ET on March 1, 1996."

In any event, it is difficult to accept the notion that such numbers were in "working" status as of March 1 when, as the Bureau concedes, "the telephone network could not support 888 numbers until after that time." The Bureau's concession here, as well as the complete absence of any evidence to demonstrate that the numbers were "working" prior to March 1, require that the Bureau's decision declining ATC's request be reversed.

Nevertheless, ATC recognizes that because both numbers are now being used by MCI subscribers, the Bureau may be reluctant to require these customers to relinquish such numbers at this point. ATC also understands that given the possibility that the Bureau may decide that subscribers of numbers in the 800 SAC should not be afforded any special rights with respect to the same numbers in the 888 SAC, ATC's claim here would be moot. For this reason, ATC suggest, by way of compromise, that the current subscribers be allowed to continue to use the numbers with the understanding that if the Commission decides to afford current 800 subscribers special protection or rights to equivalent 888 numbers on a permanent basis such subscribers would have to cede the numbers back to DSMI for assignment to ATC. In this manner, a valuable resource will continue to be used for the benefit of the public and at the same time ATC's possible future rights to such numbers will be preserved. ATC should not be penalized when the



# AMERICAN TELEGRAM

2926 LAKE EAST DRIVE THE LAKES, NV 89117

***'The Telegram Company'***

Ms. Regina M. Keeney  
November 21, 1996  
Page 3

numbers at issue could not possibly have been in working status prior to March 1 and ATC's Resporg had properly replicated the numbers under the procedures established by the Commission.

Respectfully submitted,

Roger J. Meyers,  
CEO  
American Telegram Corporation

Attachment

cc: Geraldine Matisse, FCC (By Hand)  
Mary DeLuca, FCC (By Hand)  
James Dickard, Sprint

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.

2001 PENNSYLVANIA AVENUE, N.W.

SUITE 400

WASHINGTON, D. C. 20006-1851

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WRITER'S DIRECT NUMBER

(202) 775-5678

February 29, 1996

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\*NOT ADMITTED IN D.C.

BEN S. FISHER  
11890-19541

CHARLES V. WAYLAND  
11910-19801

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Dear Mr. Caton:

On behalf of our client, American Telegram Corporation, we hereby urge the Commission to act expeditiously to order MCI, as the Responsible Organization ("RespOrg"), to place in "unavailable" status the following toll free numbers:

888-774-6748

888-222-5347

These numbers have been in use by American Telegram in the 800 SAC for more than two years. On August 7, Roger J. Meyers, CEO of American Telegram, asked LDDS Worldcom to replicate the above-referenced numbers in the 888 SAC. A copy of Mr. Meyers' letter to LDDS is attached. Mr. Meyers then made the same timely request for replication when he switched service to Sprint Communications. According to LDDS, American Telegram's 800 numbers were submitted for reservation to Database Services Management, Inc. prior to the FCC's February 1st deadline for reservation of replicated numbers. We have learned this week that the two numbers listed above have not been reserved for American Telegram for replication in the 888 SAC and that MCI has reserved the numbers. These two numbers have great importance for American Telegram.

FEB-29-1996 14:24

P.02

Page 2

Very truly yours,

## Counsel to American Telegram Corporation

Richard Whitt, LDDS Worldcom



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2001 PENNSYLVANIA AVENUE, N.W.  
SUITE 400  
WASHINGTON, D. C. 20006-1851  
TELEPHONE (202) 659-3494

GLENN S. RICHARDS  
(202) 775-5678

June 6, 1996

FACSIMILE  
(202) 296-8518

**HAND DELIVERY**

Geraldine A. Matisse  
Chief, Network Services Division  
Federal Communications Commission  
2000 M Street, N.W.  
Room 235  
Washington, D.C. 20554

Dear Ms. Matisse:

I am writing to you on behalf of our client, American Telegram Corporation ("ATC"), to request that the Commission order MCI Telecommunications Corporation to return to unavailable status two toll-free telephone numbers (888-222-5347, 888-774-6748) that have been placed in unavailable status for ATC by Sprint. These numbers were improperly released to MCI by the 800 Number Administration and Service Center ("NASC"), even though Sprint had put the numbers in replicated status on February 29, 1996, pursuant to an FCC order issued that day.

These numbers have been in use by ATC in the 800 SAC for more than two years. On August 7, 1995, ATC directed LDDS Worldcom to replicate the numbers in the 888 SAC. ATC subsequently switched to Sprint for 800 service, and advised Sprint to replicate the two numbers. ATC discovered in late February that Sprint had not submitted the two numbers to DSMI for replication, and, that, MCI had reserved the numbers. ATC brought this matter to the attention of the Commission, which on February 29, directed DSMI to extend until March 15 the deadline in which 800 subscribers could request replication in 888. Pursuant to the Commission directive, on February 29, Sprint requested DSMI to protect both numbers. A copy of that request is attached. On March 1, Sprint sent ATC confirmation from DSMI that the numbers were indeed placed in the replication file. A copy of the confirmation is attached.

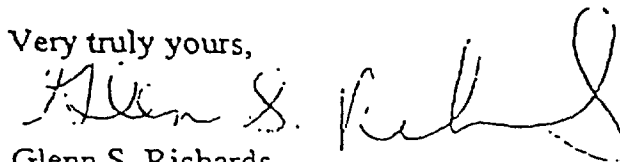
ATC learned three days ago that on April 23 the numbers had been transferred by the NASC to MCI and are now in use. Apparently, the NASC transferred the numbers to MCI based on your March 29, 1996, letter to Michael Wade instructing DSMI to re-instate to the original RespOrg any 888 number that was listed as working prior to 3 a.m. on March 1. A copy of the letter from the NACS to Sprint is attached.

DSMI has misapplied the March 29 order in the case of ATC's numbers. The February 29 order was issued to protect 800 customers such as ATC whose RespOrgs had simply failed to properly replicate 888 numbers. The February 29 actions taken by Sprint on behalf of ATC were consistent with the Commission's order and simply preserved ATC's rights to these numbers until the Commission issues a decision on the status of replicated numbers. In contrast, the March 29 ruling addresses the actions of carriers who jumped the gun and put certain 888 numbers into working status prior to 3 a.m., ET, on March 1, and was not intended to affect the rights of 800 customers that made timely replication requests on February 29, pursuant to the February order.

ATC has met every requirement necessary for replication of these two numbers. If at any time prior to 3 a.m. on March 1, these numbers were improperly classified as "working," it was not by any action of ATC or Sprint. Thus, the two numbers (888-222-5347, 888-774-6748) should be transferred back to Sprint, and placed into replicated status, for the benefit of ATC, until the Commission issues a decision on the fate of replicated numbers..

We ask for your prompt attention to this matter. If you have any questions, please contact the undersigned.

Very truly yours,



Glenn S. Richards  
Counsel for American Telegram Corporation

Enclosures

cc: Mary DeLuca, FCC (by hand)  
Donald Elardo, MCI (by facsimile)  
Michael Fingerhutt, Sprint (by facsimile)

2. 18. 1996 3:51PM  
NI BT-SPKJN

; 3- 1-96 ; 4:48PM ;

2028228999- NO. 1000

03/01/96

15:30

NO. 230

081



Date: February 29, 1996

To: Michelle Wade  
Database Service Management Inc.  
Pliscataway, NJ

From: Susan Cotter  
Sprint Corp.  
Kansas City, MO

*Susan Cotter*

Subject: Per FCC order additional numbers to 'replicate'

Per your request these are the numbers I have been able to confirm this evening that our customers asked us to protect. I appreciate the opportunity, please advise me that you received this FAX by returning the FAX with your approval.

The numbers are as follows:

888-827-8828    888-222-8347    888-774-8748  
888-746-8337    888-443-8287

We attempted to reserve a number for a customer that we carry their outbound service. It was one of the first 20 numbers we attempted to get, but due to the timing of turning up NXXs and the accompanying error messages we received on February 9th 11:01 PM CST, we were unsuccessful. We verified that this same customer has the 800 version, and we were trying to protect their interests. Since we are not the Resp Org, I'm not sure that you will honor this request to 'replicate' the number for the customer, but this is my attempt to assist in the matter the only way I can at this time. The number is 888-256-7788.

Thanks for your assistance in this matter. If you need further details regarding this memo, please page me (816)757-4886.  
Thank!

Jun. 18. 1996 3:52PM

SENT BY:SPRINT

83/81/96

15:31

: 3- 1-96 : 4:48PM :

2028228999-

No. 1623

P. 5/7

2900518: 5

NO. 298

082

080161MO

03/01/96

CUSTOMER INFORMATION SYSTEM

SMS NUMBER QUERY

10130123

APPL ID: 08

COMMAND: MQ

KEY-INFO: 8882225347

PRTN

TY NUMBER : 888 222 5347

ESOO-NAME :

CONT NAME :

FAILED : N

ESOO-IDL :

CONT NBR : 0

CONTROL RESP ORG : NBRAC (NASC controlled)

SMS STATUS : DISCONN  
STATUS EFFECTIVE DT: 03 01 96

RESERVED UNTIL DATE:  
DISCONNECT UNTIL DT: 07 01 96

SMS LAST ACCESS DATE:  
SMS LAST ACCESS TIME:

080161MO

03/01/96

CUSTOMER INFORMATION SYSTEM

SMS NUMBER QUERY

10131112

APPL ID: 08

COMMAND: MQ

KEY-INFO: 8887746748

PRTN

TY NUMBER : 888 774 6748

ESOO-NAME :

CONT NAME :

FAILED : N

ESOO-IDL :

CONT NBR : 0

CONTROL RESP ORG : NBRAC (NASC)

SMS STATUS : DISCONN  
STATUS EFFECTIVE DT: 03 01 96

RESERVED UNTIL DATE:  
DISCONNECT UNTIL DT: 07 01 96

SMS LAST ACCESS DATE:  
SMS LAST ACCESS TIME:

eight hundred

800  
Number  
Administration  
and  
Service  
Center  
(NASC)

Sprint Communications Co. L.P.  
8320 Ward Parkway  
Kansas City, MO 64114  
ATTN: Susan Cotter

April 23, 1996

Dear Susan Cotter:

Pursuant to the attached FCC Order dated March 29, 1996 the following 888 numbers which were placed under BRUNV Unavailable status at your request have been transferred to the original Resp Org(s) that had control of the number at the time of your request:

888-624-6286  
888-774-6748

888-327-8626

888-746-6337

888-222-5347

If you have any questions concerning this matter, please contact the NASC at (914) 347-2222.

cc: Steve Broom

777  
Old Saw Mill River  
Road  
Tarrytown  
New York  
10591

Administration  
914 - 347 - 2450

800 Service Center  
914 - 347 - 2222

Fax  
914 - 347 - 2599

Fax  
914 - 347 - 2597

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.

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June 11, 1996

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Geraldine A. Matisse  
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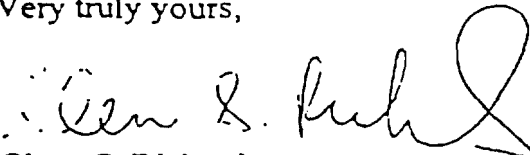
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Roger J. Meyers, CEO  
American Telegram Corporation  
2926 Lake East Drive  
The Lakes, NV 89117  
702/242-8000 (PHONE)  
702/242-8011 (FAX)

Thank you for your assistance.

Very truly yours,

  
Glenn S. Richards

cc: Mary DeLuca, FCC (by hand)  
Donald Elardo, MCI (by facsimile)  
Michael Fingerhut, Sprint (by facsimile)



# AMERICAN TELEGRAM

2926 LAKE EAST DRIVE THE LAKES, NV 89117

## 'The Telegram Company'

June 18, 1996

Geradine A Matise  
Chief, Network Services Division  
Federal Communications Commission  
2000 M Street, N.W. Room 235  
Washington, D.C. 20554

Via Fax 202-418-2345

Re: 888-222-5347-, 888-774-6748

Dear Ms. Matise:

On June 6, 1996 our attorney, Glenn Richards, requested that the Commission order MCI to return to unavailable status the referenced 888 numbers that were placed in unavailable status for ATC by Sprint. As discussed, these numbers were improperly released to MCI by the NASC even though Sprint had placed the numbers in replicated status on February 29, 1996, pursuant to an FCC order issued that day. Subsequently, on June 11, 1996, Mr Richards withdrew as counsel due to a conflict of interest.

The issues and request made in the June 18, 1996 letter still stand and are vital to us. We respectfully request your prompt attention to this matter.

Thank you for your assistance.

Very truly yours,

Roger J. Meyers

RJM/ns



Federal Communications Commission  
Washington, D.C. 20554

Mr. Roger J. Meyers  
American Telegram Corporation  
2926 Lake East Drive  
The Lakes, NV 89117

October 22, 1996

Dear Mr. Meyers:

The Commission has received your letters regarding your 800 numbers and the possibility of placing those numbers in "unavailable" status pending the Commission's determination of whether 800 subscribers wishing to replicate their numbers in 888 will be afforded any special protection or right with regard to those numbers.

On January 25, 1996, the Commission's Common Carrier Bureau directed Database Service Management, Inc. (DSMI) to place in "unavailable" status those 888 numbers identified by 800 subscribers as numbers that those subscribers may want to replicate in 888. The purpose of the Bureau's Order was "to assure interim protection for all equivalent 888 numbers designated by current 800 subscribers by setting those 888 numbers aside during the initial 888 reservation period." The Bureau did not decide whether these numbers ultimately should be afforded any permanent special protection or right. Rather, the Bureau merely deferred any decision about the permanent protection pending a resolution of that issue by the full Commission in the ongoing toll free proceeding, CC Docket No. 95-155.

Subsequently, disputes arose regarding whether 888 numbers should have been made "unavailable" as a result of the Bureau's Order. Some 800 subscribers indicated that DSMI or their Responsible Organization (RespOrg) omitted from the list of "protected" numbers certain numbers identified by the 800 subscribers as numbers that the subscribers wish to protect in the 888 code. On February 29, 1996, the Common Carrier Bureau directed DSMI to reclassify as "unavailable" a number not set aside in this category and subsequently identified by an 800 subscriber or its RespOrg as a number that was erroneously omitted from the pool of "unavailable" numbers as long as that number was not in "working" status. The Bureau stated that the request had to be in writing from either the 800 subscriber of the 888 number at issue, or such subscriber's RespOrg, and had to be received by DSMI by 11:59 p.m. March 15, 1996.

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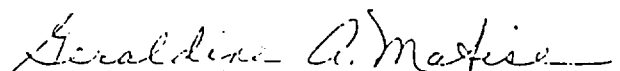


stated that the numbers listed in a letter from your company, American Telegram Corporation, to Mr. William Caton, Acting Secretary to the Commission, had been classified as unavailable in the SMS database. On March 15, 1996, the Bureau directed DSMI not to accept any new requests for protection of equivalent 888 numbers beginning as 12:00 a.m. EST March 16, 1996, stating that 800 subscribers had had a reasonable opportunity to protect equivalent 888 numbers until the Commission decides the disposition of all numbers classified as "unavailable."

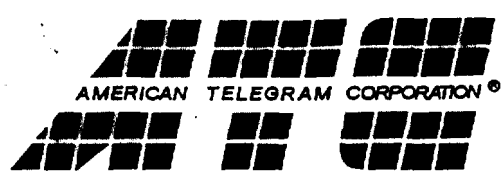
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Sincerely,



Geraldine A. Matise  
Chief, Network Services Division  
Common Carrier Bureau



**AMERICAN TELEGRAM CORPORATION**  
**Office of CEO Roger J. Meyers**

August 7, 1995

Sonja Coburn  
LDDS Worldcom RespOrg Manager

Via Fax 210-402-5152

Re: Pre-reservation of 888 vanity numbers; Acc# 702921708 / 7029795


Dear Sonja:

As per your Special Bulletin please pre-reserve the following numbers:  
If you have any questions please call me or my LDDS rep Ben Hakimi  
213-688-2459.

800-343-7363	800-338-7363	800-315-0485	800-356-9374
800-354-3925	800-835-3935	800-262-2371	800-824-7363
800-446-7363	800-247-4929	800-526-7303	800-624-5285
800-835-3967	800-835-3932	800-625-5786	
800-835-3874	800-935-6836	800-843-6377	800-835-3637
800-462-4563			
800-462-4583	800-222-5347	800-767-8254	800-329-4726
800-329-6377	800-726-8247	800-568-3367	800-466-6743
800-725-8838	800-838-7329		
800-742-5282	800-767-4726		
800-329-2974	800-746-4373		
800-566-5870	800-746-4265		
800-566-5877	800-774-6748	800-356-9377	

Thank you.

Cordially,

  
Roger J. Meyers

RJM/ns

\*\*\*\*\* -JOURNAL- \*\*\*\*\* DATE AUG-07-1995 \*\*\*\*\* TIME 12:26 \*\*\*\*\*

DATE/TIME = AUG-07 12:25

JOURNAL NO. = 11

COMM.RESULT = OK

PAGES = 01

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MODE = XMT

STATION NAME =

TELEPHONE NO. = T 12104025152

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RESOLUTION = STANDARD

-CORPORATE OFFICES -

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